

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00022

Chico Nakia Curry,
Plaintiff,

v.

Director Bobby Lumpkin et al.,
Defendants.


ORDER

Before the court is plaintiff's motion to amend or correct complaint. The court construes that motion as a motion to voluntarily dismiss defendant Nicholas W. Hannah as a wrongly named defendant. Doc. 62. Defendants affirmatively did not oppose the voluntary dismissal of Nicholas W. Hannah. Doc. 66. The case was referred to United States Magistrate Judge John D. Love. pursuant to 28 U.S.C. § 636(b). Doc. 3.

On November 17, 2022, the magistrate judge entered a report recommending that plaintiff's motion be granted and defendant Nicholas W. Hannah be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1). Doc. 76. No objections were filed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The motion (Doc. 62) is granted. Defendant Nicholas W. Hannah is dismissed without prejudice. The clerk of court is directed to terminate Nicholas W. Hannah as a defendant in this action.

So ordered by the court on August 10, 2023.



J. CAMPBELL BARKER
United States District Judge